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15 Categorization and sorting

Abstract: This contribution examines the criminological and social relevance of categorization and social sorting, its historic roots, present practices, and implications for the future. The chapter examines the transformation of social sorting from being the corner stone of statecraft to becoming a central feature of contemporary capitalism. These developments have profound implications for criminological understanding of surveillance, social control, and crime control, which are increasingly not only digitalized but also privatized and commercialized.

Keywords: social sorting, capitalism, commercialization, legibility

In August 2022, Reuters reported about a Turkish sports presenter Sinem Okten who was surprised to see her visa application to Europe's Schengen area rejected twice, despite frequent previous job visits to the continent.[1] A considerable proportion of applicants from Turkey are denied visas. To process its visa applications, the European Union operates one of the largest biometric databases in the world. The capacity of the VIS database has increased in recent years to 100 million records and 85 million biometric matching records, which allow border authorities to identify and verify third-country nationals who travel to the EU.[2] In the post-9/11 world, biometrics have become one of the preferred methods of social control used by state authorities concerned about security, terrorism, organized crime, and unauthorized migration.

Modern states create massive bureaucratic records, which include increasingly sophisticated information, to facilitate their decision-making. The EU is far from unique in this respect as countries such as China and India have reportedly even larger biometric databases. As James C. Scott (1998: 65) shows in his seminal work, *Seeing Like a State*, the creation of legible people—"of fixing an individual's identity and linking him or her to a kin group"—has been a necessary precondition of modern statecraft (see also Lyon, 2009 on ID cards and Caplan and Torpey, 2001 on the creation of the passport). Technologies such as passports and biometrics attempt to make vast numbers of the world population legible not only to states they are citizens of, but also to other states (Franko, 2020).

However, as the above example of the Turkish journalist reveals, these bureaucratic processes entail not only categorization, but also carry an inherent possibility of social sorting and, ultimately, social exclusion. As state functionaries classify people into appropriate categories, based on their fingerprints and other information, they are also

1 https://www.reuters.com/world/turks-frustrated-by-deliberate-increase-number-european-visa-rejections-2022-08-26/.

2 https://www.eulisa.europa.eu/Publications/Reports/2021%20VIS%20Report.pdf.

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sorting out undesirable visa applicants. The EU's ambition in the past two decades has been to make the information on visa applicants and residence permit holders interoperable with police registers in order to allow border guards, police officers, and immigration officials "to have more complete information on security threats as well as seamless access to information."[3] Notions of security, risk, threat, and crime are therefore central in defining and structuring the contemporary activities of categorization and social sorting.

This contribution examines the criminological and social relevance of categorization and social sorting, its historic roots, present practices, and implications for the future. Categories are, as Bowker and Star (2000: 196) observe, something that people often take for granted, often forgetting that classification systems are sites of negotiation and political and social struggles. Moreover, it is important to keep in mind that putting people into categories according to various social parameters, and treating them differently depending on these categories, is not only something that state agencies have done for centuries. It is also something that is done by private companies and other actors, increasingly for commercial purposes. As consumers and potential consumers, bank customers, students, internet and social media users, information about our activities and digital movements is analyzed and sorted for its commercial relevance. The chapter therefore also examines the transformation of social sorting from being the corner stone of statecraft to becoming a central feature of contemporary capitalism. These developments have profound implications for criminological understanding of surveillance, social control, and crime control, which are increasingly not only digitalized but also privatized and commercialized (see Privatization by Lomell).

(Digital) surveillance and social sorting

Creation of categories is, as Scott's work shows, one of the essential aspects of modern statehood. It is not only people that are made legible by being put into *categories*, but also space and nature under state jurisdiction are transformed into "closed systems that offer no surprises and that can best be observed and controlled" (Scott, 1998: 82). Historically, these ambitions became clearly developed during the 19th century and have given rise to increasingly sophisticated census making, collection of statistical information about numerous aspects of economic, demographical, and other social activities (for a history of statistics see Hacking, 2015). Michel Foucault influentially described these developments as a form of biopolitics, in which "government has as its purpose not the act of government itself, but the welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, etc" (Foucault, 1991: 100). Throughout the 19th and 20th centuries, the bio-politically oriented state

3 https://www.eulisa.europa.eu/Publications/Reports/2021%20VIS%20Report.pdf.

showed a growing thirst for knowledge in order to achieve greater productivity and welfare of the nation, moral conformity, and compliance of the population. These state ambitions also profoundly shaped the nature of policing and prisons, which became central links in state projects of incorporating all sections of society into an ordered, surveilled, and productive citizenry.

Due to these processes of knowledge collection, states have not only amassed large amounts of data about the population but have also created categories into which people are placed and through which we still understand ourselves today. As Hacking (2015: 66) observes: "Enumeration demands *kinds* of things or people to count. Counting is hungry for categories. Many of the categories we now use to describe people are byproducts of the needs of enumeration" (italics original). Statistics "as a moral science of the state" laid the ground for, and has been a driving force behind the rise of calculating machine technologies that came to prominence in the 20th century and so strongly define contemporary modes of governance (Bigo et al., 2019: 3). The historic origins of state categorization and data collection show how knowledge and power are intimately connected, which prompted Foucault (1982) to coin the famous power/knowledge nexus. The will to knowledge and the will to power are thus, as Bigo et al. (2019: 6) point out, "two aspects of how we conduct ourselves and the conduct of others."

Drawing on Foucault's work, particularly his concept of the panopticon, a large body of surveillance and criminological scholarship has in recent decades explored the connections between state and its increasing capabilities to automatically collect data about our daily lives. A central point made by this scholarship is that surveillance practices are intrinsically connected to, and inseparable from, practices of *social sorting*. In his large body of work on the subject, David Lyon (2003) defines social sorting as practices of placing people into social classes and categories, which then enable those making the categories to distinguish between desirable and undesirable populations. The concept of social sorting places the issue of automated data collection "in the social and not just the individual realm – which 'privacy' concerns all too often tend to do" (Lyon, 2003: 13). It highlights the classifying drive of contemporary surveillance, as well as defuses some of its sinister (and conspiratorial) aspects and plants the issue firmly in the domain of everyday life. As Lyon (2003: 13) points out: "Human life would be unthinkable without social and personal categorization, yet today surveillance not only rationalizes but also automates the process."

In the past three decades, the rapid development of large-scale data processing capabilities and the political climate of the so-called *war on terror* have made the question of social sorting one of the most pressing ethical, political, and legal dilemmas of our time (Bigo et al., 2019). In the aftermath of the September 11 attacks, and the subsequent terror attacks in several cities across the world, practices of categorizing people and assessing their potential risk have proliferated (Franko, 2020). Surveillance and social sorting practices proactively exclude some social groups whose future behavior is considered undesirable (see inter alia Amoore and De Goede, 2008; Selod, 2018). Although the proliferation of digitally enabled suspicion seems to affect most citizens it is

important to keep in mind, however, that not everyone is affected in the same way. A growing body of surveillance scholarship has brought to attention how the nature of surveillance and social sorting is shaped by class, race, and gender (see inter alia Browne, 2015; Monahan, 2022). Just as most criminologists would be aware of Foucault's (1977) argument that surveillance and disciplining technologies historically targeted a particular social figure—broadly defined as the 'delinquent'—contemporary practices of social sorting disproportionately focus on some disadvantaged groups, such as Muslim men (Selod, 2018) or particular categories of immigrants (Franko, 2020).

The case of the Turkish journalist denied entry into the EU is, therefore, part of a broader pattern where suspicious groups of racialized, poor, and less affluent travelers find themselves under intensified suspicion and denied entry. For affluent business travelers, tourists, and citizens of wealthy countries, on the other hand, fingerprint technologies and dedicated databases may mean that their movements across borders can become faster and easier due to frequent traveler programs and biometric passports (Aas, 2011). While unwanted migrants get sorted out, these groups of 'bona fide' travelers get 'sorted in.'

Surveillance capitalism and commercial sorting

The example of frequent traveler programs also serves as a reminder that the rise of big data surveillance has not only dramatically expanded state capabilities for collection of data but has also enabled private and commercial actors to operate large databases (see Big Data by Završnik). The state thus no longer has a monopoly, and may not even be the main actor, when it comes to collection of large amounts of data and consequent social sorting of individuals (Bigo et al., 2019). Today, commercial actors such as Google and Facebook command surveillance capabilities that match and exceed those of most states. While the big data surveillance capabilities can be co-opted into and amplify state's law enforcement objectives, they also profoundly change the nature of contemporary law enforcement. In the past two decades, there has been a trend towards predictive policing where analytical techniques are used to make statistical predictions about where and when potential crimes might occur and who might be the perpetrators and the victims (Brayne, 2020).

The commercial aspects of surveillance were brought to attention already in 1993 by Oscar Gandy's seminal study *The Panoptic Sort.* The book was highly critical of the failure of scholars and political activists to pay sufficient attention to the threats to privacy posed by commercial firms. In the following decade, the field of surveillance studies and criminologists directed growing attention to social sorting and exclusion conducted by commercial actors and in commercial spaces, particularly those using CCTV surveillance (Norris, 2012). McCahill and Finn (2014) suggested that the use of surveillance to proactively exclude some social groups whose future behavior is considered undesirable can be described as ban-opticon (see also Bigo, 2006); it functions

in a way as a membrane that includes some and excludes others. Commercial spaces, like shopping malls, are an ideal example of this: 'Flawed consumers' are pushed away, while ideal consumers are kept in, and CCTV cameras are mainly directed towards those who do not belong.

Although important, these early studies of commercial sorting nevertheless focused mainly on the *physical* presence of undesirable individuals and groups, which pale in comparison to the extent of contemporary *digital* sorting by commercial actors. The internet has dramatically enhanced consumer profiling. Many websites routinely install tracking technologies on computers of their users and create databases of consumer profiles (Andrejevic, 2007; see Databases by Bellanova). One only has to think of how a routine purchase in an online shop usually results in a series of 'personalized' recommendations and commercial email offers. Data gathering is a vital aspect of the growing e-commerce, work-related surveillance and even politics—a development that has been captured by Shoshana Zuboff's (2019) influential term (and eponymous book) surveillance capitalism. By tracking information about our purchases, browsing histories, movements, statements, and other aspects of private life, companies such as Google and Facebook are creating and commercially exploiting the "'behavioural surplus'" of our actions and not only turning it into profit, but more importantly into a new "means of behavioural modification" (Zuboff, 2019). While, traditionally, the state and its institutions, such as prisons, schools, and psychiatric institutions, possessed the most powerful means of classification and behavioral modification, this may no longer be the case.

Conclusion

In 2018, critical observers, political analysts, and ordinary citizens alike were astounded by the revelations of a whistleblower, Christopher Wiley, that data of up to 87 million Facebook users was improperly shared with the political consultancy Cambridge Analytica without proper consent to allegedly influence the 2016 US presidential election.[4] Although commercial data harvesting was becoming common knowledge, the extent of the collusion of commercial actors and political profiling was nevertheless a surprise to many and prompted government hearings in the US, UK, and Canada (Lyon, 2019: 64). The scandal showed that digital data have both a commercial and a political dimension, and that is all but impossible to separate the two. The integration or merging of state and commercial surveillance capabilities, always a latent possibility and a frequent dystopian vision, is becoming a more palpable reality as voting consumer and social media profiles can be combined for analytical purposes of those in power. Systematic harvesting of commercial and personal data, their categorization, and sorting thus form the basis for subsequent profiling of individuals and create the potential

4 https://www.bbc.com/news/technology-43649018.

for reinforcement of so-called echo chambers. An echo chamber "can act as a mechanism to reinforce an existing opinion within a group and, as a result, move the entire group toward more extreme positions" (Cinelli et al., 2021: 1), a development that is a central component of on-line radicalism and political polarization.

However, Cambridge Analytica scandal also revealed that there are possibilities for resistance and that critical journalism, consumer, and citizen awareness as well as political oversight still carry considerable weight. In December 2022, Facebook owner Meta agreed to pay a $725 m (£600 m) settlement, the largest in a US data privacy class action. The company had also wowed to 'revamp' its approach to privacy. The sum was nevertheless minor compared to the company's profits and commercial investment.[5] The contestations surrounding the Cambridge Analytica scandal illustrate Bowker and Star's (2000) point that classification practices are not something that should be taken for granted but are sites of intense political and social struggles. They, therefore, deserve continued scholarly interest and careful scrutiny.

Suggested reading

Aas, K. F. (2011). 'Crimmigrant' bodies and bona fide travelers: Surveillance, citizenship and global governance. *Theoretical Criminology*, 15(3), 331 – 346.

Brayne, S. (2020). *Predict and Surveil: Data, Discretion, and the Future of Policing.* New York: Oxford University Press, USA.

Lyon. D. (ed.) (2003). *Surveillance as Social Sorting: Privacy, Risk and Digital Discrimination.* London and New York: Routledge.

Monahan, T. (2022). *Crisis Vision: Race and the Cultural Production of Surveillance.* Durham, NC: Duke University Press.

Scott, J. C. (1998) *Seeing Like a State: How Certain Schemes to Improve the Human Condition have Failed.* New Haven: Yale University Press.

References

Aas, K. F. (2011). 'Crimmigrant' bodies and bona fide travelers: Surveillance, citizenship and global governance. *Theoretical Criminology*, 15(3), 331 – 346.

Amoore, L., & De Goede, M. (eds.). (2008). *Risk and the War on Terror.* London: Routledge.

Andrejevic, M. (2007). *iSpy: Surveillance and Power in the Interactive Era.* Lawrence, KS: University Press of Kansas.

Bigo, D. (2006). Security, exception, ban and surveillance. In D. Lyon (ed.), *Theorizing Surveillance: The Panopticon and Beyond* (pp. 46 – 68). London: Willan.

Bigo, D., Isin, E., & Ruppert, E. (2019). Data politics. In D. Bigo, E. Isin, & E. Ruppert (eds.), *Data Politics: Worlds, Subjects, Rights* (pp. 1 – 17). London: Routledge.

Bowker, G. C., & Star, S. L. (2000). *Sorting Things Out: Classification and its Consequences.* Cambridge, MA: MIT Press.

5 https://www.bbc.com/news/technology-64075067.

Brayne, S. (2020). *Predict and Surveil: Data, Discretion, and the Future of Policing.* New York: Oxford University Press, USA.

Browne, S. (2015). *Dark Matters: On the Surveillance of Blackness.* Durham, NC: Duke University Press.

Caplan, J., & Torpey, J. (2001). *Documenting Individual Identity: The Development of State Practices in the Modern World.* Princeton, NJ: Princeton University Press.

Cinelli, M., De Francisci Morales, G., Galeazzi, A., Quattrociocchi, W., & Starnini, M. (2021). The echo chamber effect on social media. *Proceedings of the National Academy of Sciences*, 118(9), e2023301118.

Foucault, M. (1977). *Discipline and Punish* (Alan Sheridan, trans.). New York: Pantheon.

Foucault, M. (1982). The subject and power. *Critical Inquiry*, 8(4), 777 – 795.

Foucault, M. (1991). *The Foucault Effect: Studies in Governmentality.* Chicago: University of Chicago Press.

Franko, K. (2020). *The Crimmigrant Other: Migration and Penal Power.* Abingdon: Routledge.

Gandy, O. H. (1993/2021). *The Panoptic Sort: A Political Economy of Personal Information.* Oxford: Oxford University Press.

Hacking, I. (2015). Biopower and the avalanche of printed numbers. In V. W. Cisney & N. Morar (eds.), *Biopower: Foucault and Beyond* (pp. 65 – 80). Chicago: University of Chicago Press.

Lyon, D. (2003). Surveillance as social sorting: Computer codes and mobile bodies. In D. Lyon (ed.), *Surveillance as Social Sorting: Privacy, Risk and Digital Discrimination* (pp. 13 – 30). London and New York: Routledge.

Lyon, D. (2009). *Identifying Citizens: ID Cards as Surveillance.* Malden, MA and Cambridge: Polity Press.

Lyon, D. (2019). Surveillance capitalism, surveillance culture and data politics. In D. Bigo, E. Isin, & E. Ruppert (eds.), *Data Politics* (pp. 64 – 77). London: Routledge

McCahill, M., & Finn, R. L. (2014). *Surveillance, Capital and Resistance. Theorizing the Surveillance Subject.* Abingdon: Routledge.

Monahan, T. (2022). *Crisis Vision: Race and the Cultural Production of Surveillance.* Durham, NC: Duke University Press.

Norris, C. (2012). The success of failure: Accounting for the global growth of CCTV. In K. Ball, K. Haggerty, & D. Lyon (eds.), *Routledge Handbook of Surveillance Studies* (pp. 251 – 258). London: Routledge.

Scott, J. C. (1998). *Seeing Like a State: How Certain Schemes to Improve the Human Condition have Failed.* New Haven: Yale University Press.

Selod, S. (2018). *Forever Suspect: Racialized Surveillance of Muslim Americans in the War on Terror.* New Brunswick, NJ: Rutgers University Press.

Zuboff, S. (2019). *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power.* London: Profile Books.